



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

**Board of Osteopathic Medicine and Surgery  
Meeting Minutes**

May 21, 2021  
9:00 a.m.

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On May 21, 2021 the Board of Osteopathic Medicine and Surgery held a webinar meeting.

**MEMBERS PRESENT**

Roger Ludwig, DO, Chair  
Alex Sobel, DO, Vice Chair  
Patrice Konschuh, Public Member  
Tania Hernandez, DO  
Lisa Galbraith, DO  
Sharon Gundersen, PHD, Public Member  
Joel Quiroz, PA-C  
Kevin Ware, DO  
Yuri Tsurulnikov, DO  
Kim Morrisette, DO  
Shannon Phipps, DO

**STAFF PRESENT**

Tracie Drake, Program Manager  
Renee Fullerton, Executive Director  
Davis Hylkema, Assistant Program Manager  
Michelle Hartman, Administrative Assistant  
Heather Carter, Assistant Attorney General  
Ashley Maxwell, Supervising Staff Attorney  
Heather Cantrell, Policy Analyst

**GUESTS:**

Amelia Boyd, Washington Medical Commission  
Amy Brackenbury  
Robert Hsiung  
Melissa Johnson  
John Maldon  
James Stangl  
Tony Tsai

**1. Call to Order/Introductions**

Roger Ludwig, DO, Chair, called the open public meeting to order at 9:05 a.m.

- 1.1 The board members and staff introduced themselves.
- 1.2 The board approved the May 21, 2021 agenda with amendment to add line item 8.3.
- 1.3 The board approved the March 29, 2021 business meeting minutes as presented.

## **2. Dental Anesthesia Rules Workshop**

The board reviewed and discussed draft rule language creating a new rule section to regulate the provision of anesthesia in dental settings. The board then opened it up for public comment.

Robert Hsiung, anesthesiologist, voiced his concerns with the rule language not having any education requirements.

The board discussed Dr. Hsiung's concerns and felt the draft rule language provided sufficient training and experience requirements under paragraph (3)(d).

Dr. Sobel suggested making a recommendation to the Dental Quality Assurance Commission to include board certification requirements in their anesthesia rules. He and Ms. Drake will work together on a resolution and follow-up.

**MOTION:** A motion was made to accept the draft rule language as presented. The motion was seconded and unanimously approved.

## **3. Telemedicine Rules Workshop Report**

Ms. Drake provided an update on the most recent telemedicine rules workshop. She announced that the next workshop will take place on June 4, 2021.

## **4. Hospital Privileges**

4.1 The board reviewed the updated hospital privileges procedure for approval.

Ms. Drake provided an overview on the updated hospital privileges procedure and presented a draft proposal based on the previous discussion with the board.

**MOTION:** A motion was made to approve the draft hospital privileges procedure as presented. The motion was seconded and unanimously approved.

4.2 The board discussed whether to accept hospital verification letters in lieu of the official board Hospital Investigative Letter form for hospital privilege verifications.

Ms. Drake discussed the current situation with hospitals no longer willing to complete the board-approved Hospital Investigative Letter form but providing their own hospital verification letter that has variable content. She asked the board if they wanted to permit the staff to approve the verification letters or if they prefer to review each verification letter received.

**MOTION:** A motion was made to allow staff to approve verification letters from hospitals as long as they indicate the physician is in good standing with the hospital. Those not in good standing will then need to go before the board for approval. The motion was seconded and unanimously approved.

Ms. Fullerton advised the board that the Washington Medical Commission is no longer using the hospital verification form. She and Ms. Drake will research why. They will provide an update at the June 25, 2021 board meeting.

## 5. Operational/Delegation

- 5.1 The board reviewed an updated signature delegation form.

**MOTION:** A motion was made to approve the updated signature delegation form as written. The motion was seconded and unanimously approved.

- 5.2 The board reviewed an updated decision-making delegation form.

**MOTION:** A motion was made to approve the updated decision-making delegation form as presented. The motion was seconded and unanimously approved.

## 6. Newsletter

The board discussed articles ideas and authors for the next newsletter.

- Ms. Maxwell, supervising staff attorney will provide an article regarding what to do when an investigative letter is received.
- Ms. Drake will provide an article on physician assistant's moving over to the Washington Medical Commission.
- Ms. Drake will provide an article giving rules updates regarding dental anesthesia/office-based anesthesia/telemedicine/e-prescribing and Prescription Monitoring Program integration.
- Highlight newest board member, Dr. Hernandez.

## 7. Correspondence

The board discussed the correspondence received since the last meeting. This included requests for lists and labels and other general questions or requests.

There were no new correspondences.

## 8. Program Reports—Renee Fullerton, Executive Director; Tracie Drake, Program Manager; Heather Carter, AAG Adviser

- 8.1 Budget update

Ms. Fullerton gave an overview of the budget as of March 31, 2021. Overall, the revenue is very stable and looking to end the biennium higher than anticipated. Disciplinary cost continues to be the greatest expense. As the new biennium approaches and the budget is revised, travel costs will be reviewed to ensure the allotment matches the current board size. The board approved allocating for two additional people, in addition to the two paid for by the Federation of State Medical Boards (FSMB), to attend the FSMB annual meeting currently scheduled to be held in person.

- 8.2 Ms. Drake provided an update about osteopathic physician assistant transition to Washington Medical Commission (WMC) and discussed the future board responsibilities.

- Physician assistants (PA) will no longer require a delegation agreement or a remote site request be approved by the WMC or the Board of Osteopathic Medicine and Surgery (board). They will practice under a practice agreement that is between the PA and the physician. The practice agreement must be maintained by the PA's employer and made available to WMC upon request.
- WMC must consult with the board when investigating allegations of unprofessional conduct against a PA who is supervised by an osteopathic physician.
- A physician may not be compelled by an employer to participate in a practice agreement with a PA.
- The WMC will develop a model practice agreement.
- A physician may supervise no more than ten PAs. A physician may petition WMC for a waiver of this limit.
- As of July 1, 2021, as osteopathic physician assistants renew their license, they will be switched over to WMC.
- The board will remain the disciplining authority for any conduct that occurred when an osteopathic physician assistant was still licensed under the board. As an example, if in January of 2022 an osteopathic physician assistant has already transitioned over to the WMC but receives a complaint for care rendered in January of 2021, that case would come to the board for review and potential discipline.
- The board will begin repealing all osteopathic physician assistant rules in December of 2021.

### 8.3 Upcoming e-prescribing and Prescription Monitoring Program (PMP) integration rule workshops

Ms. Fullerton advised the board that the Department and Pharmacy Quality Assurance Commission are currently working on two rules packages that are part of implementing SSB 5380, which passed in 2019. The requirements in these laws were to go into effect on January 1, 2021; however, due to the COVID-19 pandemic, the Secretary of Health issued a waiver for all providers until September 30, 2021. This waiver was extended through December 31, 2021.

- The first rules package puts in place the mandate for all providers prescribing controlled substances to transmit those prescriptions electronically as well as creating a process for providers to receive a waiver. These waivers are for practitioners who cannot comply with the mandate due to economic hardship, technological limitations, or other exceptional circumstances. The final proposed rules were drafted with stakeholder feedback to create a waiver program that provides necessary guidance to licensees, allows for relatively easy compliance, and results in immediate access to a waiver if a licensee request one. The rule adoption hearing on this set of rules is scheduled for June 4, 2021, at 9:30 a.m.
- The second rules package relates to the PMP. The law requires facilities, provider groups, entities, or offices with ten or more prescribers, to integrate their electronic health records with the PMP. In addition, the department is required to develop a waiver process like that developed for the electronic prescribing waivers. The rule adoption

hearing on this set of rules was May 19, 2021 and the department is currently reviewing the comments.

**9. Open Forum**

The purpose of the open forum is to provide the public an opportunity to address the board on issues of significance to or affecting osteopathic medical practice and that are not related to topics for which a rules hearing was or will be scheduled.

There was no public comment.

**10. Future Business**

The board discussed agenda items identified for future meetings.

- Dr. Sobel and Ms. Drake will work together on a recommendation to the Dental Quality Assurance Commission regarding the draft rule language created to regulate the provision of anesthesia in dental settings.
- Ms. Fullerton and Ms. Drake will research why the WMC is no longer using the hospital verification form and provide an update to the board.

**11. Adjournment of public meeting**

The public meeting adjourned at 10:26 a.m.

**12. Discipline, Settlement Presentations and Licensing**

The board attended to licensing, disciplinary matters, and settlement and/or agreed order presentations in closed session.

Respectfully submitted,

Tracie Drake, Program Manager

NOTE: Please visit the web site for future agendas and minutes - [www.doh.wa.gov](http://www.doh.wa.gov). Go to licensing and certification and you will find a list of the health care professions, go to osteopathic physicians for agendas and minutes.